

Many thanks to Bill and Carolyn for putting this combined proposal together. It is an outstanding effort. I agree with most but feel it needs to be strengthened in some important areas. My initial comments are highlighted in blue. I am looking forward to our discussions Thursday evening.

DRAFT FOCUS GROUP PROPOSAL

We have been asked to study the Williamsburg rental situation near the campus with the goal of improving the situation generally, and particularly to evaluate allowing more than three unrelated individuals to rent single-family dwellings. In fact our purpose was "to conduct a fact finding and discussion with the goal of making consensus recommendations for actions to serve the interests of each party and to improve the Williamsburg community as a whole."

The Focus Group feels that through a joint effort between the College, City, Landlords, Neighborhood Residents, and Tenants additional rental housing opportunities can be made available while at the same time maintaining the viability of Single-Family Neighborhoods in the City. In this proposal each group plays an important role in making this process work. For instance the City needs to revise ordinances, create a neighborhood relations committee and provide better enforcement from the tools provided in the proposal. The College needs to partner with the City in reaching housing solutions on- and off-campus and helping with the behavior of students that are not responsive to neighborhood complaints. The Neighborhood Residents need to be willing to allow more tenants in a dwelling and play an important role in helping to resolve neighborhood problems. The Tenants need to abide by regulations and also work to resolve neighborhood problems. The Landlords need be more active in the process because they will need to receive permits from the City for any increase in occupancy for their properties.

Any change to occupancy regulations shall apply only to those properties already in the rental program as of January 1, 2009. This is necessary to protect our fragile single family residential neighborhoods located close to the college from being overrun by absentee landlords buying available properties based on the increased revenue expected from multiple occupancy.

The Focus Group submits the following proposal which is presented in two very important and distinctive steps.

STEP ONE

- City Council and the College of William and Mary need to work together to develop long-term solutions to housing for students. More on-campus housing needs to be constructed on College property. The City needs to look at zoning regulations and make the necessary changes to allow clustering of off-campus housing to meet the needs of students, and this may require increased residential density for certain areas of the City.

Building more student oriented housing on- and off-campus will enable the neighborhoods to return to a higher level of owner occupied homes.

- In the short term, the College and the City must find other solutions to the problem of not being able to provide enough housing on campus to meet student needs.
- The College needs to provide the City the total number of students living off-campus in the City of Williamsburg. To understand the problem and to reach a reasonable solution this number needs to be provided. It would be nice to have a total number but don't think it essential. In any case there will only be a finite number of additional spaces that can be made available which I'm sure will not be sufficient to handle all requests.
- The Vice-President of Student Affairs needs to take an active role in student behavior on- and off-campus. The Focus Group has found other examples in the State and Country such as Christopher Newport University, Gainesville Florida and Georgetown University. I understand this is only a draft proposal however the final agreement should be more directive in nature. (e.g.) V.P. of Student Affairs shall take an active role -----

If problems arise with students' off campus behavior the following steps should be taken:

1. Neighbors should (shall) first approach tenants and express their concerns, unless such conduct is particularly egregious and in such cases the Williamsburg Police Department should be called.
 2. If talking to the student is not successful, the neighbor should (shall) notify the Student Affairs Office, landlord and property Management Company, if (as) appropriate.
 3. If Williamsburg City Police are called to a specific address and the complaint is valid a copy of the report shall be sent to Campus Police and the Student Affairs Office.
 4. In cases where reports are sent to Campus Police and the Student Affairs Office, the Vice-President of Student Affairs shall council students involved and take the appropriate disciplinary action. (As Dr. Hughes, Dean of Student Affairs at Christopher Newport University pointed out; usually a trip to his office takes care of the problem.)
- The College shall develop and maintain an off-campus housing office to perform the following functions: Violation of regulations set by the off campus housing office will be subject to W&M Code of Conduct and/or Honor Code disciplinary action as appropriate.
 1. Register and maintain a database for all students who desire or are required to live off-campus.
 2. In the event changes of address occur, ensure all students living off campus update the off campus residency data base.

3. Ensure all students, prior to signing a lease or agreeing to share or occupy a residence zoned as single family, clear their occupancy of said residence with the off campus housing office.
4. Be a clearing house for rental dwellings available in the City to students and the number of individuals who may legally occupy such dwellings. If a dwelling has reached its occupancy as established by City Code, the housing office will notify the student that no further students may reside at that address.
5. Provide training, brochures and information to educate students about the difference between living on-campus and off-campus. The City and College should work together to create the brochure. A good example is the one developed by the City of Gainesville for the University of Florida.

The reason the Focus Group thinks this is an important step is that College officials, rather than the City, will hold the database with student names and addresses. Having the City maintain this information has been pointed out as a problem by students.

- City Council needs to create a Neighborhood Relations Committee. This Committee should consist of students, college representatives, neighborhood residents and City officials (Police, Code Compliance and Zoning) to help foster a better relationship between the college, students and neighbors. This Committee is charged with looking for solutions to problems that arise and not just as an avenue to voice displeasure.

STEP TWO

When City Council and the College reach an agreement on the above, the Focus Group recommends the following changes to the Zoning Ordinance:

- The definition of a family should be changed to: "*Family* means two or more persons related by blood, adoption, marriage or guardianship, plus one person unrelated to the family." I'm ok with this but what do we gain by it?
- A section on Maximum Dwelling Unit Occupancy should be added to all zoning districts to detail the maximum occupancy allowed, as follows:
 1. A family, plus one person unrelated to the family;
 2. No more than three unrelated persons;
 3. More than three unrelated persons in a single family detached dwelling if the special criteria listed in the Zoning Ordinance are met (four persons with administrative approval; more than four with a special use permit approved by City Council). **(Strongly recommend any increase over three would be by SUP.)** **Neighbors and overall residential demographics must be considered and this would be very difficult if not impossible through an administrative process.**

- A Group Home, which is currently in the family definition, should be listed as a separate definition.
- The following definition of bedroom should be added:

"Bedroom means any space in the conditioned area of a dwelling unit or accessory structure which is 70 square feet and greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room (maximum of one per dwelling unit); dining room (in proximity to kitchen, maximum of one per dwelling unit); family room (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom. The Zoning Administrator or his/her designee may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted. If a home office, library or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet and at least one of the following is present: a) permanently built-in bookcases, desks and other features that encumber the room in such a way that it cannot be used as a bedroom; b) a minimum four foot opening, without doors, into another room; or c) a half wall (four foot maximum height between the room and another room. A detached building which contains only a half bath will not routinely be considered as having a bedroom unless it is specifically identified and permitted as a non conforming building unit."
- The rental of four unrelated persons should be approved by the Zoning Administrator if specific criteria are met. (As previously stated I am opposed to increasing availability by administrative process. A SUP should be required.) The rental to more than four unrelated persons should require a special use permit approved by City Council. ***The increase in occupancy for more than three should be limited to single-family dwellings only. Lots with more than one dwelling unit are not eligible for an increase in occupancy.***
- Approval of four unrelated persons may be administratively approved by the Zoning Administrator if the following criteria is met:
 1. Minimum square footage considerations (*****) ***to be determined at the meeting.***
 2. A specific time limit for the approval. When the approval expires any renewal must meet Zoning regulations in effect at the time of approval.
 3. One bedroom per person.
 4. One bathroom per two bedrooms.
 5. One parking space per bedroom. Parking permitted shall include on- and off-site spaces. Off-site spaces counted towards parking for the property shall include the street area only in front of the property minus any curb cut. Needs to be reworded. Approved parking could be up to a maximum of one space per bedroom

provided all residence and neighborhood parking considerations were met. (e.g.) On narrow residential streets, parking should not be approved on both sides of the street for emergency access reasons. If a residence across the street from a rental unit has no off street parking additional on street parking should not be approved for the rental just to accommodate multiple renters nor do we want a situation where a landlord would be allowed to build additional parking areas on the property. Renter violation of "visitor hang tag" permits is another problem area and must be addressed. In many cases available parking will determine the number of rooms available to be rented.

6. Upgrading the dwelling to meet current building code requirements concerning safety of the dwelling to allow for the increased occupancy. Permits and inspection by the Code Compliance Division must be approved before a certificate of occupancy is granted for an increase in occupancy.
7. A site plan indicating the location of parking (on- and off-site) and trash and recycling containers.
8. A floor plan of the dwelling with the location, names, dimensions and floor area of all rooms.
9. Enclosing trash and recycling containers by a fence or wall.
10. A form signed by the Owner that provides a copy of the lease and the names and phone numbers of all occupants. Any change in occupancy will require an amendment to the lease and the amended lease must be supplied to and approved by the Zoning Administrator. The lease needs to state that subleasing is not allowed.
11. The Zoning Administrator must inspect the property at least one time each year, at the beginning of the lease to insure compliance.
12. The Owner must distribute a pamphlet provided by the City to each tenant outlining the requirements of the program and a form for each of the occupants to sign indicating that they have read and understand the program and agree to abide by the requirements.
13. When all conditions are met a certificate of occupancy will be issued for the dwelling.
14. Provisions for revoking the certificate of occupancy will include repeated (stipulate how many) violations of the City or state nuisance provisions (including noise and litter), violations of the Virginia Uniform Statewide Building Code, Virginia Statewide Fire Prevention Code, or the Zoning Ordinance, or more than the approved number of occupants residing in the dwelling, refusal or failure to comply with the requirements of the program, including failure or refusal to allow an inspection as provided in the program.
15. If the Zoning Administrator receives a complaint regarding the number of occupants residing on the property, the Zoning Administrator will investigate. (First step here and in any case where complaints regarding student occupancy are involved should be to check with the Office of Off Campus Housing.) If the Zoning Administrator deems the complaint to be valid, the Zoning

Administrator will provide notice to the occupants 24 hours prior to conducting any inspection. The Zoning Administrator will provide notice by posting on the front door of the dwelling. The Zoning Administrator will take reasonable steps to notify the owner or agent prior to inspection. The occupants and owner or agent will allow the inspection. If the Zoning Administrator determines that more than the approved number of occupants occupies the property, the Zoning Administrator will revoke the certificate of occupancy and the property will again be subject to three unrelated individual limitation.

16. Any person or agent, whose certificate of occupancy has been revoked for the reasons listed above, subsequently will not be eligible to participate in the program for the subject dwelling for a period of four years. If the owner sells the property to an unrelated third party or legal entity in which the owner has no interest, the new owner may participate in the program if he or she chooses.
 17. Appeals from the decision of the Zoning Administrator will be heard by the Board of Zoning Appeals.
- Criteria for approval for more than four unrelated persons require a special use permit approved by City Council and must include the following: **(cap limit ???) to be determined at the meeting.**
 1. Minimum square footage considerations (****) **to be determined at the meeting.**
 2. A specific time limit for the approval. When the approval expires any renewal must meet Zoning regulations in effect at the time of approval.
 3. One bedroom per person.
 4. One bathroom per two bedrooms.
 5. One parking space per bedroom. Parking permitted shall include on- and off-site spaces. Off-site spaces counted towards parking for the property shall include the street area only in front of the property minus any curb cut.
 6. Upgrading the dwelling to meet current building code requirements concerning safety of the dwelling to allow for the increased occupancy. Permits and inspection by the Code Compliance Division must be approved before a certificate of occupancy is granted for an increase in occupancy.
 7. A site plan indicating the location of parking (on- and off-site) and trash and recycling containers.
 8. A floor plan of the dwelling with the location, names, dimensions and floor area of all rooms.
 9. Enclosing trash and recycling containers by a fence or wall.
 10. A form signed by the Owner that provides a copy of the lease and the names and phone numbers of all occupants. Any change in occupancy will require an amendment to the lease and the amended lease must be supplied to and approved by the Zoning Administrator. The lease needs to state that subleasing is not allowed.

11. The Zoning Administrator must to inspect the property at least one time each year, at the beginning of the lease to insure compliance.
12. The Owner must distribute a pamphlet provided by the City to each tenant outlining the requirements of the program and a form for each of the occupants to sign indicating that they have read and understand the program and agree to abide by the requirements.
13. When all conditions are met a certificate of occupancy will be issued for the dwelling.
14. Provisions for revoking the certificate of occupancy will include repeated violations of the City or state nuisance provisions (including noise and litter), violations of the Virginia Uniform Statewide Building Code, Virginia Statewide Fire Prevention Code, or the Zoning Ordinance, or more than the approved number of occupants residing in the dwelling, refusal or failure to comply with the requirements of the program, including failure or refusal to allow an inspection as provided in the program.
15. If the Zoning Administrator receives a complaint regarding the number of occupants residing on the property, the Zoning Administrator will investigate. If the Zoning Administrator deems the complaint to be valid, the Zoning Administrator will provide notice to the occupants 24 hours prior to conducting any inspection. The Zoning Administrator will provide notice by posting on the front door of the dwelling. The Zoning Administrator will take reasonable steps to notify the owner or agent prior to inspection. The occupants and owner or agent will allow the inspection. If the Zoning Administrator determines that more than the approved number of occupants occupies the property, the Zoning Administrator will revoke the certificate of occupancy and the property will again be subject to three unrelated individual limitation.
16. Any person or agent, whose certificate of occupancy has been revoked for the reasons listed above, subsequently will not be eligible to participate in the program for the subject dwelling for a period of four years. If the owner sells the property to an unrelated third party or legal entity in which the owner has no interest, the new owner may participate in the program if he or she chooses.
17. Special Use Permits standards as stated in Section 21-42 of the Zoning Ordinance are taken into account when reviewed by City Council.
18. Appeals from the decision of City Council (special use permit) will be heard by the Circuit Court.

